

FILED

NOV 22 2011

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JESSE ALLAN KUNTZ,

Defendant.

No. CR 11-00833-^{CW}~~PH~~ (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Jesse Allan Kuntz is charged in an indictment with a violation of 18 U.S.C. §§ 922(g)(1) and 924(d)(1) (felon in possession of a firearm and gun forfeiture). On November 18, 2011, the United States moved for Mr. Kuntz' detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). On November 22, 2011, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present information by proffer or otherwise), and retained his right to raise any additional relevant information at a later hearing.

DETENTION ORDER
CR 11-00833-^{CW}~~PH~~ (DMR)

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cc: Copy to parties via ECF, Nikki, Pretrial Services, 2 Certified copies to U.S. Marshal

1 After considering the limited information available to the Court, and the factors set forth
2 in 18 U.S.C. § 3142(g), the Court detains Mr. Kuntz as a danger to the community and finds that
3 no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his
4 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d
5 1403, 1406 (9th Cir. 1985).

6 II. CONCLUSION

7 The Court detains Mr. Kuntz at this time. Because Defendant waived his right to present
8 information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later
9 hearing, the Court orders that the hearing may be reopened at Defendant's request at any future
10 time.

11 Mr. Kuntz shall remain committed to the custody of the Attorney General for
12 confinement in a corrections facility separate, to the extent practicable, from persons awaiting or
13 serving sentences or being held in custody pending appeal. Defendant shall be afforded
14 reasonable opportunity for private consultation with counsel. On order of a court of the United
15 States or on request of an attorney for the Government, the person in charge of the corrections
16 facility in which Defendant is confined shall deliver Defendant to a United States marshal for the
17 purpose of an appearance in connection with a court proceeding.

18 IT IS SO ORDERED.

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21 DATED: November 22, 2011



DONNA M. RYU
United States Magistrate Judge